WOMAN GUILTY, BUT COURT SETS DIVORCE ASIDE

Justice O'Gorman Annuls Decree Obtained by R. L. Fisher Against Pretty Wife.

SUSPECTS COLLUSION.

Decision Rendered After Introduction of Sensational Testimony and Counsel Tilts.

After hearing sensational testimony in the case of Mrs. Florence Wheeler Fisher in the Supreme Court to-day. Justice O'Gorman set aside the interlocutory decree of divorce obtained against her by her husband, Robert Lee Fisher, in February, 1908.

Justice O'Gorman declared there was not the slightest doubt as to Mrs. Fisher's intimate relations with the co-respondent, Charles Prince, but added that he would allow no judgment to stand where there was a suspicion of collusion on the part of the principals in an action.

The only witness called was John J. Haigney, president of the Riker Drug Company an an officer of the United Cigar Stores Company. He testified in behalf of Mrs. Fisher.

During the progress of the hearing wheih was on Mrs. Fisher's motion to have the verdict against her set aside, Haigney and A. L. Davis, of the law firm of Ellison & Davis, counsel for Fisher, sad a wordy discussion. This the court brought to an abrupt end. Glad Enough to Cry.

Mrs. Fisher, a pretty girl of twentythree, was in court with her mother, Mrs. Hurd. When the Court announced that he would grant the motion she exclaimed: "Oh, I'm so glad I could cry!" Haigney's testimony was full of start ling disclosures. He said he was an intimate of Fisher and had spent many nights at the Fisher home.

It was while he was being cross-examined by Mr. Davis that a tilt occurred. Mr. Davis asked him if Mrs Fisher had ever suggested that they go to a hotel together.

Shaking his finger at the lawyer Haigney exclaimed excitedly: "No, sir You know that's not so, Mr. Davis!" "On one occasion, when you remained over night in the home of the Fishers, did Mrs. Fisher come to your room?" "Yes," returned Heigney. "She came to my room on many occasions when I

"On the night in question, did her husband come into your room and find his wife there in her night robes?" asked Mr. Davis.

llvan, counsel for Mrs. Fisher, broke in: and that he still believed them. Mrs. Fisher, didn't you, Mr. Heigney?"

Did he tell you about his wife going said:

"Did he tell you about his wife going to the Victoria Hotel with Prince on the night of Nov. 23, 1907?" asked Mr. Sullivan.

"He did," replied the witness. "He said he hadn't succeeded in getting sufficient evidence against his wife, and he had forced Prince to go there with her for that purpose. He said he knew something about Prince's relations with a woman, and that he told Prince he would block his (Prince's) efforts to get a divorce from Mrs. Prince unless he (Prince) would take Mrs. Fisher to the hotel."

"If you found that these charges were true you should have brought in an inflow being sum by face Barrymere at the licement, not a presentment. You had dictment, not a presentment. You had not being sum by face Barrymere at the Broadway Theatre in "A Stubborn Cinder-new Something about Prince to go there with a woman, and that he told Prince he would block his (Prince's) efforts to get a divorce from Mrs. Prince unless he (Prince) would take Mrs. Fisher to the hotel."

Introduced Her to Prince.

Introduced Her to Prince.

Heigney said Fisher told him he met Prince in the summer of 1907 and introduced him to Mrs. Fisher. He told also of a theatre party attended by Mrs. Fisher and Prince, when, he said, Fisher said he had "arranged" to have them "covered" by detectives. Fisher wanted him to testify for him in the divorce case, but he said he told Fisher if he did so Fisher would go to jail.

"After the divorce was granted to Fisher, did you know of any favors conferred upon Miss Hazel Prince, a sister of Charles Prince, by Fisher?" the witness was asked.

"Yes; when Mrs. Fisher was ejected from her home by Fisher Miss Prince was taken care of. She was established in the apartment by Fisher."

"You don't mean 'established,' do you?" interrupted Mr. Davis.

"Yes," said Heigney, "that's just what I mean."

Heigney said Fisher lived in Yonkers "Yes," said Heigney, "that's just what I mean."
Heigney said Fisher lived in Yonkers at the time. He testified that Fisher had told him of leaving money on the plano in Prince's home for the support of Miss Prince prior to the time she went to live in his apartment.
Heigney was asked if Mrs. Fisher had ever told him that she lived with Prince, who was a musical conductor, after Fisher got his divorce decree. He said she had not.
He said Mrs. Fisher was living in an apartment on Riverside Drive at that time. Since the divorce Heigney admitted he had ben contributing toward Mrs. Fisher's suport, or "loaning her money," as he expressed it.

She Called it a Plot.

She Called It a Plot.

An interesting feature of the case is that Mrs. Fisher made her motion to have the divorce decree; set aside on the ground that she was innocent of any wrong-doing and was a victim of a conspiracy. Justice O'Gorman, however, said the evidence all tended to show that she had ben too friendly with Prince.

Mrs. Fisher appeared nervous throughout the proceedings. She wore a fur hat, dark brown skirt, white waist, over which there was a black fur coat, and carried a large muff. She is a decided brunette, with dark hair and evs. She is living with her mother at No. 148 West One Hundred and Twenty-ninth street.

Mrs. Fisher was married to Fisher when she was seventeen. He was then forty years old. Before the marriage she was a popular school girl of Columbus, Ohio, Fisher was formerly cashier of the H. Knickerbocker Company at No. 25 Broad street.

After the hearing to-day Mr. Sullivan announced that Mrs. Fisher would at once apply for alimony and counsel fees.

NO VOTE, NO TAXES.

CHICAGO, March 3 .- Declaring that she is neither "technically nor legally a citizen," and cannot vote, Viola B Squire objects to being forced to pay personal property taxes. She has thus expressed herself in a letter to the County Treasurer.

Pretty Woman Who Had Divorce Obtained by Husband Set Aside,



Slander, Dike Says, of Presentment Found Against Borough President.

which brought a presentment contain- through the building. Company, declared in the County Court his w to-day that he believed he charges were hall James M. Sullivan, of O'Reilly & Sul- true when the presentment was made "You went to Sullivan County with Judge Dike, to whom application had

been made to expunge the charges from Shopper an "Yes, at the suggestion of Mr. Fish- had not called on Mr. Coler to refute five the charges because he had supposed for Fisher relative to Fisher's divorce ac- Judge Dike frowned at Linton and over the roo

"If you found that these charges were

does. Your duty was plain. It hey they were not guilty, then you had no cruel sentence. right to make such a presentment." As Judge Dike stopped, he brought his ing over the little terrier, which was fist down on the desk in front of him licking her face.

"I will take this matter under adviseent," he announced, "and I will ren-

There was no doubt in the minds of ose who were in court that the harges would be expunged.

INDIAN A LIFE SAVER.

ment at No. 1 West One Hundred and ago, by the Austrian Laboratory. Chronic Eighteenth street were sent scurrying cases of asthma in all parts of the country to the street early this morning by a have been permanently cured by this won-February Grand Jury in Brooklyn fire which sent great clouds of smoke derful preparation, which is taken by the

Coler and two of his associates altered East One Hundred and Twenty-sixth

23rd Street

34th Street

On Thursday, March the 4th.

LADIES' CLOAKS. In Both Stores.

Long Capes of French Serge and light weight Broadcloth. Also Shantung Paletots.

SILK DEPARTMENTS. In Both Stores.

Exhibition of McCreery "Inauguration Silks," showing the most extreme novelties in exclusive designs.

Sale of Five Thousand yards Gold and Silver Cloth. 44 inches wide.

1.50 per yard

TRUNK DEPARTMENTS. In Both Stores.

Russet and Brown Sole Leather Bags. High cut, saddler sewn, leather capped corners. English locks and catches. Leather lined, with inside pockets. Sizes 14, 15, 16, 17 and 18

Russet Cowhide Dress Suit Cases, with double steel frames, brass spring locks and leather capped corners. Fitted with shirt pockets. Size 24 inches. 3.75

JAMES MCCREERY & GO. 23rd Street

34th Street

COURT DOOMS DOG FOND MISTRESS

Pet Caresses Owner as the Sentence of Death Is

Pronounced.

Millie is doomed! Unless her little

Forty-third street, where Mrs. Euber is janitress, complained in Yorkville Court to-day about the dog, which had atacked her little daughter, Margaret, in the hallway of the house. The child's leg bore a deep scratch, which Mrs. Connoly declared to be the imprint of Millie's sharp little teeth. The little girl told the Magistrate

that Mrs. Euber "had sicked" the dog A month ago Mrs. Connoly lodged a similar complaint and on that occasion Martin, Margaret's brother, was the al-

leged victim of Millie's attack. Magistrate Steinert then told Mrs. Euber that he would give her until tomorrow morning at 9 o'clock to kill the dog, and if this wasn't done he would send her to jail.

Mrs. Euber remained obdurate for a ong time, but finally weakened and between sobs cried: "All right, Judge, I suppose I will have to do it, but if you were guilty, then an indictment. If Millie loves me you wouldn't pass that

Then she left the court-room, croon-

Relief Overnight by Latest Scientific Discovery.

In spite of the fact that the majority of asthma sufferers are inclined toward the belief that asthma is incurable, the statement is made without qualification that the only permanent cure for this distressing disease is the celebrated specific, ascatco, dispensed since its discovery, a short time patient in seven-drop doses, at home, without necessitating a change of climate, which

The demand for ascatco in New York and Brooklyn has caused the directors of the Laboratory to supply Hegeman's and Riker's ing in the drug stores with a quantity of the preparation-a fifty-cent size for mild cases, and the \$2 size, sufficient for one month's treatoped the family. Fair- the wr size, sufficient for one month's treat-gorl out and Bergman ment, and which will cure chronic cases with a rapidity that will simply astonish

The Austrian Laboratory, 32 West 25th street, New York City, will send free an experimental treatment to all those who

Going to Keep House

Then You Will Want a Servant

Last month The World printed 38,521 "Help Wanted" Ads. - nearly FOUR TIMES the 10,367 in the Herald.

And a Place to Live

Last month The World printed 19,642 "To Let" advertisements — 1.085 MORE than ANY TWO OTHER New York newspapers COM-DINED, including the Herald.

And Possibly an Enterprise

Last month The World printed 4,398 "Business Opportunity" advertisements -676 MORE than ANY TWO

OTHER New York newspapers COMBINED, including the Herald.

And to Buy or Sell

Last month The Worl. printed 1.540 "For Sale" ad vertisements - 751 MORE than ANY TWO OTHER New York newspapers COM-BINED, including the Herald

World Wants Make People Wonder by the Wonders They Work

"WHAT'S THE USE?"

This is the title of the very clever song now being sung by Jack Barrymore at the Broadway Theatre in "A Stubbern Cinder ella." Words and music complete with nest Sunday's World.

NN BRAND SALE

NO MAIL OR TELEPHONE ORDERS ON ADVERTISED GOODS NEW YORK'S FASTEST GROWING STORE

OUR RESTAURANT on 8th Floor - Our 5-course Table d'Hote Dinners, 30c

Rothenberg's values, by comparison with all other stores, stand out glaringly conspicuous as the BEST in Greater New York. Cur store, from roof to basement, is brimming with merchandise of every grade, of every variety-MERCHANDISE OF MERIT in every case, priced as low and lower than anywhere else. We invite honest and rigid comparisons. Our nimitable guarantee of ABSOLUTE SATISFACTION OR MONEY PROMPTLY REFUNDED hears us out in the sincerity of this challenge. Special Anniversary Sales all week in every Department. Hundreds of Matchless Underprice Bargains.



Remarkable Values - Anniversary Sale of RUGS, Carpets and Linoleums Revers ble Brussels Rugs Double Extra

85: All Wool Brussels Carpet, 49c also for hall and stairs to match; in the new spring colorings. Regular price Sec.

Wild's Cork Linoleum

feetly reversible, strong, durable and exceptionally heavy, \$10 and quality; while they last at..... Famous Bromley's Smyrna Rugs

6.75

German Inlaid Linoleum

Brussels Rugs

Celebrated American

Floor Oilcloth at 171c

All widths-all perfect goods-

six designs.

The Famous Pullman Go-Carts at \$12.50 Exactly like illustration, with either







LACE CURTAINS

\$1.25French Gilt Clocks



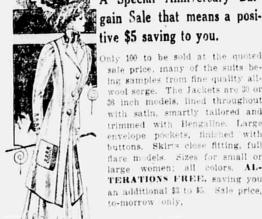
24-Piece Silver Plated Table Sets 6 Knives, 6 Forks,

6 Table and 6 Tea Spoons A remarkable offering, considering the quality of this ware. Put up in handsome lined case. The newest fancy patterns are used in

the manufacture of these sets. Handsome and appropriate for gift-making. Worth \$4. Special during Anniversary Sale,

Women May Buy Here To-Morrow

New Spring Suits Much under their actual worth.



A Special Anniversary Bargain Sale that means a posi-tive \$5 saving to you. only 100 to be sold at the quoted sale price, many of the suits being samples from fine quality allwool serge. The Jackets are 30 or 36 inch models, lined throughout with satin, smartly tailored and trimmed with Bengaline, Large

> buttons. Skirts close fitting, full flare models. Sizes for small or TERATIONS FREE, saving you an additional \$3 to \$5. Sale price,

striped worsteds (in 2 or 3 piece models); samples; exquisitely tailored and richly trimmed; worth 18.98 \$25; on sale here to-morrow

New Spring Jackets 00 new Spring Jackets, consisting of black taffeta silk,

Panama or broadcloth; single or double breasted 30inch models, lined throughout; notch collars or collarless models; sleeves with turnback cuffs; sizes 32 to 16. Anniversary Sale price...

Skirts Made to Order You select your own material at our Silk or Dress Goods Dept. and pay us \$1 for the making.

Fruit of the Loom Muslin ON SALE FROM 9 to 1 P. M. ONLY

Sheets White Irdia Tow-

Special To-Morrow Misses Stylish Spring Suits bensaline; coat is a 36 in ch model, tattor strapped, lined throughout and finished with Directoire pockets; skirt is new flare panel front; shown in blue, brown and green stripe; sizes 14 to 18 years. No alterations at this price. Special anniversary sale price,

Women's \$2 Lingerie Waists A low price offering without equal for garments of such high character. Made of very sheer lingerie, handsomely and elaborately trimmed with embroidery and lace, smartly finished-on sale to-morrow, in-

Waist

stead of \$2, at